

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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**EMILIO TORRES**, an individual  
and behalf of all similarly situated,

Plaintiff,

Case No. 1:18-cv-547

Hon. Paul L. Maloney

v.

**VITALE'S ITALIAN RESTAURANT, INC.**,  
a Michigan Corporation, d/b/a **VITALE'S GRAND RAPIDS**  
**SALVATORE VITALE**,  
an individual, and  
**BELINDA PIERSON**,  
an individual,

Defendants.

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**AVANTI LAW GROUP, PLLC**  
Robert Anthony Alvarez (P66954)  
Agustin Henriquez (P79589)  
Attorneys for Plaintiff  
600 28th St. SW  
Wyoming, MI 49509  
(616) 257-6807  
ralvarez@avantilaw.com

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**RHOADES McKee PC**  
Ian A. Northon (P65082)  
G. Will Furtado (P77848)  
Attorneys for Defendant  
55 Campau Ave. N.W., Suite 300  
Grand Rapids, MI 49503  
(616) 235-3500  
inorthon@rhoadesmckee.com

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**STIPULATION AND ORDER**

The parties, by and through their undersigned attorneys, stipulate that service has been accepted by Defendants, and that Defendants Vitale's Italian Restaurant, Inc and Salvatore Vitale will file their responsive pleading to Plaintiff's Amended Complaint on or before July 27, 2018. Defendant Belinda Pierson shall file a responsive pleading by July 23, 2018 or, if Defendant will

instead be answering the Amended Complaint, shall file an Answer by July 27, 2018. In support of their Stipulation, the parties show the Court as follows:

1. Plaintiff filed an Original Collective Action Complaint on May 15, 2018, alleging, *inter alia*, Defendants' violation of the Fair Labor Standards Act. **ECF No. 1.**
2. US Marshals obtained summonses on or about May 29, 2018 by. **ECF No. 6.**
3. Defendants' counsel offered to accept service on May 31, 2018.
4. US Marshals attempted service on all defendants via fed ex on or about June 1, 2018.
5. Counsel for Defendants entered their appearances on June 15, 2018.
6. Defendants filed a Motion to Dismiss and Incorporated Memorandum of Law on June 19, 2018 based in part on ineffective service of process. **ECF No. 7.**
7. Plaintiff sought to cure the defective service and filed an Amended Complaint on June 22, 2018, alleging, *inter alia*, Defendants' violation of the Fair Labor Standards Act. **ECF No. 8.**
8. On July 2, 2018 the Court executed an Order Dismissing Motion to Dismiss as Moot. **ECF No. 12.**
9. Defendant Belinda Pierson was personally served the Amended Complaint on June 30, 2018. **ECF No. 15**
10. Counsel for Defendants again agreed to accept service for all unserved defendants on July 5, 2018.
11. Parties agree that if Belinda Pierson shall file an Answer to Plaintiff's Amended Collective Action Complaint, on or before July 27, 2018.

12. Parties agree that if Belinda Pierson files a dispositive motion to Plaintiff's Amended Complaint she must do so on or before July 23, 2018. Otherwise, she may file an Answer and Affirmative Defenses on or before July 27, 2018.

13. Parties further agree that Defendants Salvatore Vitale and Vitale's Italian Restaurant, Inc. have until July 27, 2018 to file their responses to Plaintiff's Amended Complaint.

ACCORDINGLY, the parties stipulate and agree that Defendants have accepted service and will respond to Plaintiff's Amended Collective Action Complaint as outlined above.

Respectfully Submitted,

Dated: July 5, 2018

AVANTI LAW GROUP, PLLC  
Attorneys for Plaintiff

RHOADES MCKEE, P.C.  
Attorneys for Defendants

/s/ Robert Anthony Alvarez  
Robert Anthony Alvarez (P66954)  
600 28th St. SW  
Wyoming, MI 49509  
(616) 257-6807  
[ralvarez@avantilaw.com](mailto:ralvarez@avantilaw.com)

/s/ Ian A. Northon  
Ian A. Northon (P65082)  
55 Campau Ave. N.W., Suite 300  
Grand Rapids, MI 49503  
(616) 235-3500  
[inorthon@rhoadesmckee.com](mailto:inorthon@rhoadesmckee.com)

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**ORDER**

At a session of said Court, held in the United States  
District Court for the Western District of Michigan, on the  
\_\_\_\_ day of \_\_\_\_\_, 2018.

PRESENT: HONORABLE JUDGE PAUL L. MALONEY  
UNITED STATES DISTRICT JUDGE

The parties have stipulated to entry of this order. Defendants Salvatore Vitale and Vitale's Italian Restaurant, Inc. have accepted service with a deadline of July 27, 2018 to file a

response to Plaintiff's Amended Complaint. Defendant Belinda Pierson shall file any initial dispositive motion to the Amended Complaint by July 23, 2018 or an Answer to Plaintiff's Amended Complaint by July 27, 2018. This is the first request of this kind.

Therefore, IT IS ORDERED that the deadline for Defendants to Answer to Plaintiff's Amended Complaint is July 27, 2018.

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HON. PAUL L MALONEY  
U.S. District Judge